

UNITED STATES DISTRICT COURT

EASTERN DISTRICT OF CALIFORNIA

MARK FREGIA,

Plaintiff,

v.

MIRANDA, *et al.*,

Defendants.

Case No. 1:21-cv-01068-AWI-BAM (PC)

ORDER GRANTING DEFENDANT RIDGE'S
MOTION TO MODIFY SCHEDULING ORDER

(ECF No. 74)

Dispositive Motion Deadline: **September 2, 2022**

Plaintiff Mark Fregia ("Plaintiff") is a state prisoner proceeding *pro se* and *in forma pauperis* in this civil rights action pursuant to 42 U.S.C. § 1983. This action proceeds against Defendants Ridge and Savage based on Plaintiff's claims that Defendants were deliberately indifferent to Plaintiff's serious medical needs by continuing to prescribe medications that caused him to suffer lichen planus, and then failed to treat such skin condition.

Pursuant to the Court's September 2, 2021 discovery and scheduling order, the deadline to file all dispositive motions (other than a motion for summary judgment for failure to exhaust) was July 14, 2022. (ECF No. 68.)

Currently before the Court is Defendant Ridge's motion to change time to file dispositive motion, filed July 13, 2022.¹ (ECF No. 74.) Defendant Ridge states that new counsel was substituted for Defendant Ridge on May 24, 2022, and has been diligently investigating the claim

¹ Defendant Savage filed a motion for summary judgment on July 14, 2022. (ECF No. 75.)

1 and preparing to draft the dispositive motion by the due date but has been waylaid by
2 unanticipated health issues temporarily impeding his ability to work. Defendant Ridge argues
3 that good cause exists to modify the scheduling order because defense counsel has been diligent
4 and is only prevented from timely filing a dispositive motion by circumstances beyond his
5 control. Defendant Ridge requests that the Court extend his time to file a dispositive motion by
6 50 days, or until September 2, 2022. (*Id.*)

7 The Court construes the filing as a motion to modify the scheduling order. Although
8 Plaintiff and Defendant Savage have not yet had an opportunity to file a response, the Court finds
9 a response is unnecessary. The motion is deemed submitted. Local Rule 230(l).

10 Having considered the request, the Court finds good cause to grant the requested
11 modification of the discovery and scheduling order. Fed. R. Civ. P. 16(b)(4). The Court further
12 finds that Plaintiff will not be prejudiced by the extension granted here.

13 Accordingly, IT IS HEREBY ORDERED that:

- 14 1. Defendant Ridge's motion to modify the scheduling order, (ECF No. 74), is
15 GRANTED;
- 16 2. The deadline for Defendant Ridge to file a dispositive motion (other than a motion for
17 summary judgment for failure to exhaust) is extended from July 14, 2022 to
18 **September 2, 2022**; and
- 19 3. **Any request for a further extension of this deadline must be filed on or before the**
20 **expiration of the deadline in question and will only be granted on a showing of**
21 **good cause.**

22
23 IT IS SO ORDERED.

24 Dated: July 15, 2022

/s/ Barbara A. McAuliffe
25 UNITED STATES MAGISTRATE JUDGE
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